THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 4th DAY OF JANUARY, 2006

W.P.No. 181 of 2006

Between:-

Khaja Fazal Haq

--Petitioner

And

Municipal Corporation of Hyderabad, rep., by its Commissioner, Hyderabad and two others.

--Respondents

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W.P.No. 181 of 2006

:O R D E R:

The petitioner is a Contractor registered with the Municipal Corporation of Hyderabad (for short 'MCH'). He was awarded the work of laying 600 mm dia RCCNP2 class pipe drain from 19-3-294/A/2 to existing open nala at Fatima Nagar near Gafooria Masjid W.No. 19, by work order dated 30-10-2004. On an allegation that the petitioner is executing sub-standard and bad quality of work in spite of instructions to maintain standards, the Executive Engineer of MCH (Division No.II), Hyderabad – second respondent herein -- issued proceedings dated 13/17-12-2005 debarring the petitioner for five years from MCH Contractors' list duly forfeiting the Earnest Money Deposit and Fixed Security Deposit. This order is assailed in the writ petition, *inter alia*, on the ground that while blacklisting the name of the petitioner, the respondents did not issue any notice and, therefore, the impugned order is void being in violation of the principles of natural justice.

Learned standing counsel for MCH, Mr. Ghanta Rama Rao, after perusing the relevant file, submits that the impugned order is not preceded by any notice calling upon the petitioner to explain as to why his name should not be blacklisted. He fairly submits that opportunity may be given to the MCH to pass appropriate orders following the procedure under law.

Accordingly, the writ petition is allowed, at the stage of admission, giving liberty to the MCH, if so advised, to take appropriate action against the petitioner after issuing a notice and considering the explanation to be submitted by him. No costs.

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V.V.S. RAO, J

04-01-2006

pvks/*

Nb:- Registry to furnish c.c. by tomorrow.

B/o pvks/*